

REMARKS

Claims 1, 3-4, 7-9, 11-12 and 15-20 are pending. Claims 2, 5, 6, 10, 13, 14 and 21-46 were previously canceled without prejudice.

Claim 1 has been amended to recite that L' "may be the same as the organic ligand of the metal chelate contrast agent" or "may be" another organic ligand and to remove reference to "L". Support for this amendment may be found, for example, on pages 2-3 of the specification.

Claims 3, 4 and 7 have been amended to recite that "the organic ligand of the metal chelate contrast agent and L' are independently selected." Support for this amendment may be found, for example, on pages 2-3 of the specification. Claims 3 and 11 have also been amended to remove reference to derivatives.

Claim 8 has been amended to recite that "the organic ligand of the metal chelate contrast agent and L' are the same organic ligand." Support for this amendment may be found, for example, on pages 2-3 of the specification.

Claim 9 has been amended to recite that L' "may be the same as the organic ligand of the metal chelate contrast agent or may be another organic ligand which has a greater affinity for the metal ion of the metal chelate contrast agent" and to add "and" as shown in the above claim amendment. Support for this amendment may be found, for example, on pages 2-3 of the specification.

No new matter has been added by these amendments.

At the outset, applicants note that Examiner's acknowledgement that the claims are distinguishable over prior art of record.

35 U.S.C. § 112 ¶ 1

Claims 1, 3 and 8 were rejected under 35 U.S.C. § 112 ¶ 1 as allegedly failing to comply with the written description requirement because they recite L' as an organic ligand which may be L or another organic ligand which has a greater affinity for M than for calcium or zinc and because the excipient formula in independent claim 1 does not have the variable L.

Applicants respectfully disagree and point out that they are entitled to define L' as including L among other organic ligands. However, solely to speed prosecution, and not for any reasons related to patentability, applicants have amended the claims to delete the reference to L.

35 U.S.C. § 112 ¶ 2

Claims 1, 3, 4, 7-9 and 11 were rejected under 35 U.S.C. § 112 ¶ 2 as allegedly indefinite for the reasons described below.

Claims 1, 3, 4, 7-9 and 11 were rejected as allegedly indefinite because the Examiner asserts that defining variables in the excipient formula by reference to the variables L and M, which are part of the contrast agent formula, is confusing. Applicants respectfully disagree and believe that the reference to the variables L and M, which are defined in connection with the contrast agent, actually adds to the clarity of the excipient formula. Thus the claims are definite as written. However, for the purposes of expediting prosecution, and not for any reasons related to patentability, applicants have amended the claims to delete the reference to L and M in the definition of L'.

Claims 3 and 11 were rejected as indefinite because the examiner asserts that it is unclear what polyaminopolycarboxylic acid derivatives are compatible with the instant invention. Applicants contend that the claims are definite. However to expedite prosecution and

not for any reasons related to patentability, applicants have deleted the “derivatives thereof” language.

Claim 9 was rejected for failure to recite “and” after “organic ligand L”. The claims has been amended to add “and”, rendering this rejection moot.

Therefore, for the above reasons, applicants respectfully assert the presently pending claims are in condition for allowance. Thus, applicants request the speedy issuance of a notice of allowance.

If a telephone interview would be of assistance in the prosecution of this application, the Examiner is invited to telephone Applicants’ undersigned attorneys at his convenience at the number provided below.

CONCLUSION

No fees are believed due in connection with the filing of this *Amendment and Response*. However, the Director is hereby authorized to charge any required fees and credit any overpayments to Deposit Account No. 50-0540.

Respectfully submitted,

January 23, 2007

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